

ORDINANCE NO. 07-97

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TEMPORARY WAIVER OF PLAT PENDING APPROVAL OF THE FINAL PLAT. **PROPERTY LOCATED AT 1905-1985 WEST 54 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of October 10, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a temporary waiver of plat pending approval of the final plat. Property located at 1905-1985 West 54 Street, Hialeah, Miami-Dade County, Florida, zoned R-3-5 (Multiple Family District), and legally described as follows:

LOTS 2 THROUGH 7, INCLUSIVE, BLOCK 1, WESTLAND JARDIN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 93, PAGE 94, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not

to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 13th day of November, 2007.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:

Approved on this 15 day of November, 2007.

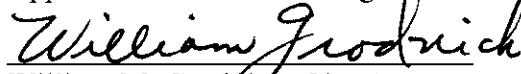


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

Ordinance was adopted by a 6-0-1
vote with Councilmembers Bovo,
Caragol, Casals-Muñoz, Gonzalez,
Hernandez, and Yedra voting "Yes"
and Councilmember Miel absent.

Prepared by and return to:
City of Hialeah
Planning Division
501 Palm Avenue, Second Floor
Hialeah, Florida 33010

(Space above this line reserved for recording office use)

DECLARATION OF RESTRICTIVE COVENANTS
(Corporate)

CC MEADOWGREEN REALTY, LLC, a Florida limited liability company

Being the owner of lands described herein:

The street property address is: **(1905-85 West 54th Street Where there are 3 vacant parcels within the property to accommodate 22 new residential units)**

The folio number is **04-2035-042-0020**

Make the following Declaration of Restrictive covenants covering and running with the above property, specifying that this restriction during its lifetime shall be for the benefit of and a limitation upon all present and future owners of the real property described above, in favor of and enforceable by the City of Hialeah, Florida.

In connection therewith, the undersigned covenants, represents and agrees as follows:

1. The premises located at 1905-85 West 54 Street, Hialeah, Florida, also known as "Meadowgreen Apartments", shall provide two parking spaces for each new unit hereafter constructed on the premises and the owners of the units shall be advised that they are not to park on the City's property, known as Wilde Park, which is located next to the complex. In addition, the existing structures shall not be affected by this covenant.
2. This covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment, and title to the above-described property and shall constitute a covenant running with the land and may be recorded in the Public Records of Miami-Dade County, Florida. This covenant shall remain in full force and effect and shall be binding upon the undersigned, its (their) heirs, successors and assigns until such time as the same is modified, amended or released and may only be modified, amended or released by a written instrument executed by the then owner having fee simple title to the property affected or to be affected by such modification, amendment, or release; provided, however, the same is also approved by the City counsel and the Mayor of the City of Hialeah, or its successors, by resolution, upon advertised notice, or by ordinance if the covenant is adopted by ordinance or as otherwise provided in Hialeah Charter.

3. Where construction has occurred on said property described herein, pursuant to a permit issued by the City of Hialeah, and inspection made and approval of occupancy given by the City, the same shall create a conclusive presumption that the improvements thus constructed comply with the intent and spirit of the restrictions referenced herein and this Declaration of Restrictive Covenants shall not be construed as clouding title of any of said property on which such development has occurred.

IN WITNESS WHEREOF, We have hereunto set out hands and seals at
3839 WEST 16TH AVE this 18 day of 2007.
(location) MIAMI, FL 33012

Oct.

Signed, sealed and delivered
In the presence of:

NAME OF CORPORATION

CC MEADOWGREEN REALTY, LLC, a Florida
limited liability company

By

Mauricio Cayon, Manager

Print Name:

Leyla Marcos

Print Name:

Lissette Gutierrez

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me on this 18 day of October
2007 by Mauricio Cayon as Manager of CC Meadowgreen Realty, LLC, a Florida limited
liability company.

He is personally known to me or has produced the following _____ as
identification and did (did not) take an oath and who attest to the truth and accuracy of
the representations contained herein.



NOTARY PUBLIC, STATE OF
COMMISSION NUMBER: